

MONDAY, APRIL 16, 2001

TWENTY-EIGHTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Shaw.

Representative Shaw led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Todd; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1393: Rep(s). Montgomery and Overbey as prime sponsor(s).

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK

April 16, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 463, 785, 1306, 1573, 1982; also, House Joint Resolution(s) No(s). 46, 171, 172, 173, 176, 177, 178, 183, 184, 186, 187, 188, 189, 190, 192, 193, 194, 195, 197, 198, 199, 200, 201, 202 and 204.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 16, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1976, without his signature.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 25 and 129; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 25 -- Naming and Designating - Designates October, 2001, as "Pregnancy and Infant Loss Awareness Month." by *Cooper J, *Kurita, *Dixon.

***Senate Joint Resolution No. 129** -- Highway Signs - "Joseph Julian Henry Memorial Bridge," S.R. 75 over Holston River in Sullivan County. by *Ramsey.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 164; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 164 -- Memorials, Sports - Oakland High School Lady Patriots, TSSAA Class AAA Basketball Finalists. by *Trail.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 209; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 209 -- Memorials, Recognition - Clark E. LaGrange. by *Person, *Cohen, *Ford J, *Kyle, *Norris, *Dixon.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 229** -- General Assembly, Directed Studies - Requires inter-departmental study of programs and services related to children with autism and report to general assembly. by *Kisber, *DeBerry L.

House Health and Human Resources Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 19, 2001:

House Resolution No. 54 -- Memorials, Retirement - Eugene D. Crowell. by *Phillips.

House Resolution No. 55 -- Memorials, Personal Occasion - Mr. and Mrs Eugene Matthew Miller, 50th wedding anniversary. by *Patton, *Davis (Washington).

House Joint Resolution No. 237 -- Memorials, Sports - Dresden Lady Lions, T-N-T State Tournament Champions. by *Maddox.

House Joint Resolution No. 238 -- Memorials, Recognition - Mt. Olivet Baptist Church, 200 Year Anniversary, April 25, 2001. by *Bone.

House Joint Resolution No. 239 -- Memorials, Personal Occasion - Martha Britton Dixon, 50th birthday. by *Bone.

House Joint Resolution No. 241 -- Memorials, Academic Achievement - Mary Evelyn Harris, Valedictorian, Oakland High School. by *Beavers.

House Joint Resolution No. 242 -- Memorials, Academic Achievement - Kristi Gannon, Co-Valedictorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

House Joint Resolution No. 243 -- Memorials, Academic Achievement - Crystal Gregory, Salutatorian, LaVergne High School. by *Beavers, *Sands, *Johnson.

House Joint Resolution No. 244 -- Memorials, Academic Achievement - Melanie Blair, Valedictorian, LaVergne High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 245 -- Memorials, Academic Achievement - Jennifer Johnson, Salutatorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 246 -- Memorials, Academic Achievement - Katie Robinson, Co-Valedictorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 247 -- Memorials, Academic Achievement - Monica Braun, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 248 -- Memorials, Academic Achievement - Eugene DePrince, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 249 -- Memorials, Academic Achievement - Sarah N. Cunningham, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 250 -- Memorials, Academic Achievement - Sarah Kumpf, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 251 -- Memorials, Academic Achievement - Bethany Leigh Gailbreath, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 252 -- Memorials, Academic Achievement - Ruth Elizabeth Martin, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 253 -- Memorials, Academic Achievement - Erin Macbeth, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 254 -- Memorials, Academic Achievement - Jessica Owens, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 255 -- Memorials, Academic Achievement - Ryan S. Peters, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 256 -- Memorials, Academic Achievement - David Sims, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 257 -- Memorials, Academic Achievement - Marcus James Jackson, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 258 -- Memorials, Academic Achievement - Tabbetha Lynese Martin, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 259 -- Memorials, Academic Achievement - Blake Tankersley, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

House Joint Resolution No. 260 -- Memorials, Academic Achievement - Susan Hunt, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 261 -- Memorials, Academic Achievement - Andrew Macemon, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 262 -- Memorials, Academic Achievement - Adam W. Nicholson, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 263 -- Memorials, Academic Achievement - Caleb Barrett, Valedictorian, Oakland High School. by *Beavers, *Rowland, *Hood.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 19, 2001:

Senate Joint Resolution No. 164 -- Memorials, Sports - Oakland High School Lady Patriots, TSSAA Class AAA Basketball Finalists. by *Trail.

Senate Joint Resolution No. 209 -- Memorials, Recognition - Clark E. LaGrange. by *Person, *Cohen, *Ford J, *Kyle, *Norris, *Dixon.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 146** -- Driver Licenses - Increases from 5 or more to more than 10 consecutive or 15 total unexcused absences allowed prior to suspension or denial of driver license of individual under 18 enrolled in GED course. Amends TCA Section 49-6-3017 and Title 55, Chapter 50. by *Cooper J. (HB880 by *Kisber)

***Senate Bill No. 290** -- Teachers, Principals and School Personnel - Allows boards of education rather than directors of schools to select teachers and set their salaries and contracts. Amends TCA Section 49-2-203(a) and Section 49-2-301(f). by *Rochelle, *Williams. (HB1776 by *McMillan, *Fitzhugh, *Davis (Cocke), *Cooper B, *Sands, *Williams (Williamson), *Pinion, *Turner (Shelby), *Shaw, *Shepard, *Hood, *Towns, *Winningham)

***Senate Bill No. 322** -- Pensions and Retirement Benefits - Allows employees in optional retirement programs to withdraw up to 50 percent of accumulated account balances upon retirement or termination of employee. Amends TCA Title 8, Chapter 35. by *McNally, *Trail, *Burks, *Atchley, *Crowe. (HB981 by *Kent, *McMillan, *Pinion, *Bittle, *Maddox, *Hood, *Rhinehart, *Baird)

***Senate Bill No. 343** -- Students - Provides for alternative assessment and accountability procedures for special education students. Amends TCA Title 49, Chapter 1, Part 6. by *Cooper J, *Burks. (HB1846 by *Hargrove)

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

***Senate Bill No. 1101** -- Landlord and Tenant - Allows landlord, under Uniform Residential Landlord Tenant Act, to charge late fee five days after date rent was due, counting due date, provided late fee can't be charged until next business day if first day late fee may be charged falls on weekend or legal holiday. Amends TCA Section 66-28-201(d). by *Haynes. (HB811 by *Arriola)

***Senate Bill No. 1181** -- Local Education Agency - Allows school board members, who were not in office or who chose not to participate as of July 1, 1998, to now join local group insurance plans upon payment of all premium costs. Amends TCA Section 8-27-303. by *Burchett. (HB832 by *Tindell)

Senate Bill No. 1673 -- Labor and Workforce Development, Dept. of - Reorganizes premium rate tables used in calculating unemployment insurance premium rates paid by employers. by *Clabough, *Atchley, *Williams. (*HB1396 by *Clem, *McDaniel)

Senate Bill No. 1949 -- Lauderdale County - Subject to local approval, decreases county highway commission from two members to one member. Amends Chapter 304 of the Private Acts of 1929; as amended. by *Norris.

CAPTION BILLS REFERRED

April 16, 2001

Pursuant to **Rule No. 47**, the following Caption Bill(s), 1341 and 1872 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 1341 -- Taxes, Sales -- House Finance, Ways and Means Committee

House Bill No. 1872 -- Physicians and Surgeons -- House Commerce Committee

CONSENT CALENDAR

***House Joint Resolution No. 28** -- Memorials, Congress - Urges finding of peaceful, permanent solution to conflict in Sudan. by *McDonald, *Miller L, *Turner (Shelby), *Brooks, *Bowers, *Fowlkes, *Williams (Williamson), *West, *Langster.

House Joint Resolution No. 230 -- Memorials, Academic Achievement - Amy Bryant, Valedictorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 231 -- Memorials, Academic Achievement - Jonathan Wilson, Valedictorian, LaVergne High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 232 -- Memorials, Academic Achievement - Amanda Craddock, Salutatorian, LaVergne High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 233 -- Memorials, Academic Achievement - Jennifer Lamb, Valedictorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

House Joint Resolution No. 234 -- Memorials, Academic Achievement - Holly Bunch, Valedictorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 235 -- Memorials, Death - Charles E. Patty, Jr. by *Buttry.

House Joint Resolution No. 236 -- Memorials, Professional Achievement - James A. Brown, President, Tennessee Road Builders Association. by *Cole (Dyer).

***House Bill No. 228** -- Motor Vehicles, Titling and Registration - Changes expiration date for special purpose plates for dealers from March 31 to May 31 each year. Amends TCA Title 55, Chapter 4. by *McDonald, *Ridgeway, *Fowlkes. (SB357 by *Cooper J)

On motion, House Bill No. 228 was made to conform with **Senate Bill No. 357**; the Senate Bill was substituted for the House Bill.

House Bill No. 553 -- Disabled Persons - Permits physically disabled persons to terminate rental leases without penalty if room in public housing facility becomes available. by *McDonald. (*SB729 by *Graves)

***House Bill No. 746** -- Welfare - States legislative findings with respect to availability and proper utilization of federal temporary assistance to needy families (TANF) program funds. Amends TCA Title 71, Chapter 3 and Title 71, Chapter 5, Part 12. by *Brooks, *DeBerry J, *Jones U (Shelby), *Armstrong, *Towns, *Brown, *Cooper B, *Turner (Shelby), *Miller L. (SB1268 by *Cohen)

House Bill No. 955 -- Sunset Laws - Tennessee arts commission, June 30, 2007. Amends TCA Title 4, Chapter 20 and Title 4, Chapter 29. by *Kernell, *Brooks, *Cooper B. (*SB102 by *Harper)

On motion, House Bill No. 955 was made to conform with **Senate Bill No. 102**; the Senate Bill was substituted for the House Bill.

House Bill No. 1610 -- Sunset Laws - Emergency communications board, June 30, 2009. Amends TCA Title 4, Chapter 29 and Title 7, Chapter 86. by *Kernell, *Brooks, *Cooper B. (*SB1605 by *Harper)

On motion, House Bill No. 1610 was made to conform with **Senate Bill No. 1605**; the Senate Bill was substituted for the House Bill.

House Bill No. 956 -- Sunset Laws - Tennessee consolidated retirement system, board of trustees, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 8, Chapter 34. by *Kernell, *Brooks, *Cooper B. (*SB96 by *Harper)

On motion, House Bill No. 956 was made to conform with **Senate Bill No. 96**; the Senate Bill was substituted for the House Bill.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

House Bill No. 958 -- Sunset Laws - Massage licensure board, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 18. by *Kernell, *Brooks, *Cooper B. (*SB37 by *Harper)

On motion, House Bill No. 958 was made to conform with **Senate Bill No. 37**; the Senate Bill was substituted for the House Bill.

House Bill No. 986 -- Criminal Procedure - Permits general sessions courts to hear and determine criminal forfeitures up to jurisdictional limits and requires state to give notice in indictment if it intends to seek forfeiture of property as part of criminal prosecution. Amends TCA Title 39, Chapter 11, Part 7. by *Scroggs. (*SB585 by *Kyle)

House Bill No. 907 -- Tattoo Parlors and Piercing Establishments - Requires revocation of tattoo artist license for one year for licensee who tattoos person under age of 18. Amends TCA Title 39, Chapter 15, Part 4 and Title 62, Chapter 38, Part 2. by *Hagood. (*SB953 by *Burchett)

***House Bill No. 1458** -- Energy - Broadens certain powers of energy acquisition corporation. Amends TCA Title 7, Chapter 39, Part 3. by *Kisber. (SB1879 by *Rochelle, *Carter, *Rochelle)

House Bill No. 279 -- Charitable Solicitations - Revises annual report requirements for certain charitable organizations; assesses late fees for certain reports and applications filed with secretary of state. Amends TCA Title 48, Chapter 101, Part 5. by *Davidson. (*SB229 by *Crutchfield)

On motion, House Bill No. 279 was made to conform with **Senate Bill No. 229**; the Senate Bill was substituted for the House Bill.

***House Bill No. 470** -- Taxes, Litigation - Authorizes proceeds from levy of local litigation tax to be used for courthouse renovation as well as for jail or workhouse construction, re-construction, or upgrading. Amends TCA Title 67, Chapter 4, Part 6. by *Maddox. (SB1166 by *Herron, *Carter)

House Bill No. 1680 -- Sports - Changes required meeting date to last quarter of fiscal year instead of in November for board of Tennessee Sports Hall of Fame and authorizes appointment of up to five ex officio advisers on marketing and promotion of Hall of Fame. Amends TCA Section 4-3-5403. by *Maddox. (*SB1764 by *Eisea)

House Bill No. 1732 -- Taxes, Real Property - Declares that lawsuit to collect on delinquent property tax lien for benefit of state, county, municipality, or special school district must be brought by county in name of county, instead of state. Amends TCA Section 67-5-2405. by *White. (*SB1507 by *Rochelle)

On motion, House Bill No. 1732 was made to conform with **Senate Bill No. 1507**; the Senate Bill was substituted for the House Bill.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

House Bill No. 1826 -- Taxes, Real Property - Removes certain limitations for back assessments and reassessments. Amends TCA Section 67-1-1003. by *Fowlkes. (*SB1506 by *Rochelle)

Senate Joint Resolution No. 156 -- Memorials, Professional Achievement - Reverend Anthony D. Henderson. by *Cohen, *Kyle.

Senate Joint Resolution No. 158 -- Memorials, Professional Achievement - Mary Jane Rose. by *Henry.

Senate Joint Resolution No. 163 -- Memorials, Death - Leah Rose Werthan. by *Henry, *Cohen.

Rep. McDonald moved that all members voting aye on House Joint Resolution No. 28 be added as sponsors, which motion failed.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1458: by Rep. Kisber

Under the rules, House Bill(s) No(s). 1458 was/were placed at the foot of the calendar for April 19, 2001.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	7

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Bowers, Cooper, DeBerry L, Kernell, Langster, Miller, Towns -- 7.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 304** -- Education - Adds vision screening to requirements for admission to public school, nursery school, kindergarten, preschool and child care; encourages parents to also obtain child's vision screening within six months of third grade. Amends TCA Title 49, Chapter 6, Part 50. by *Dixon, *Crowe, *Herron, *Burks. (HB704 by *Cooper B, *Towns, *Jones U (Shelby), *Armstrong, *DeBerry L, *Shaw, *Turner (Shelby), *Bowers, *Brooks, *Chumney, *Garrett, *Pruitt, *Jones, S., *Miller L, *McDonald, *Langster, *Patton, *Turner (Hamilton))

Further consideration of Senate Bill No. 304 previously considered on April 9, 2001, at which time the House adopted Amendment(s) No(s). 1 and was on the motion to adopt Amendment(s) No(s). 2 when it was reset for today's Calendar.

Rep. Cooper requested that Senate Bill No. 304 be moved down 10 places on the Calendar.

House Bill No. 1703 -- Planning, Public - Excludes unincorporated areas of Knox County from statutory provision authorizing appeals of decisions of regional planning commission regarding approval or disapproval of plat; in incorporated areas within Knox County appeals are to municipal legislative body if request is filed within 30 days of decision of regional planning commission on plat. Amends TCA Section 13-3-404(b). by *Tindell, *Bittle, *Dunn, *Buttry, *Hagood, *Armstrong. (*SB1811 by *Atchley, *Burchett)

Rep. Tindell moved that **House Bill No. 1703** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Boyer -- 1.

A motion to reconsider was tabled.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

***House Bill No. 257** -- Death - Authorizes registered nurse in nursing home to certify death if death was expected and physician issues death certificate. Amends TCA Section 68-3-511. by *Garrett. (SB521 by *Henry)

Rep. Garrett moved that House Bill No. 257 be reset for the Regular Calendar on May 3, 2001, which motion prevailed.

***House Bill No. 367** -- Public Health - Enacts "Obesity Study and Prevention Act of 2001." Amends TCA Title 68, Chapter 1. by *Bowers. (SB687 by *Ford J)

Rep. Bowers moved that House Bill No. 367 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 367 by deleting from the language of Section 5(a) the words "The department of health or its designee shall" and by substituting instead the following:

If the funding requirements set forth within subsection (b) are met, then the department of health or it designee shall

AND FURTHER AMEND in Section 5 by deleting subsection (b) and by substituting instead the following:

(b) The research described in subsection (a) shall occur if, and only if, advance funding sufficient to pay the total cost of such research is received in the form of gifts, grants and donations from individuals, private organizations, foundations and/or governmental units other than the state of Tennessee. However, no such gift, grant or donation may be accepted by the department for such purpose if the gift, grant or donation is subject to any condition or restriction that is inconsistent with this part or any other law of this state. The department shall have the power to direct the disposition of any such gift, grant or donation for the purposes of this part.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 367 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall be repealed July 1, 2003, unless funding to conduct the study has been obtained pursuant to Section 5(b) of this act.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Bowers moved that **House Bill No. 367**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	3
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargett, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Clem, Goins, Vincent -- 3.

Representatives present and not voting were: Beavers, Rowland -- 2.

A motion to reconsider was tabled.

House Bill No. 723 -- Labor and Workforce Development, Dept. of - Requires all business enterprises receiving taxpayer funded grants and incentives to post all employment opportunities with employment office of department. Amends TCA Section 50-7-608. by *Brooks. (*SB677 by *Ford J)

Rep. Brooks moved that House Bill No. 723 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 723 by deleting from Section 1 the language "then the employer must thereafter provide" and inserting instead the language "then the employer is requested to thereafter provide".

On motion, Consumer and Employee Affairs Committee Amendment No. 1 was adopted.

Rep. Brooks moved that **House Bill No. 723**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	66
Noes	26

MONDAY, APRIL 16, 2001 – TWENTY-EGHTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Bittle, Black, Bowers, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kernell, Langster, Maddox, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Sands, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Baird, Beavers, Bone, Boyer, Bunch, Clem, Cole (Carter), Davis (Washington), Davis (Cocke), Dunn, Godsey, Goins, Hagood, Hargett, Kent, McDaniel, Mumpower, Overbey, Roach, Rowland, Sargent, Sharp, Vincent, West, Whitson, Wood -- 26.

A motion to reconsider was tabled.

MOTION TO REOPEN COMMITTEES

Rep. Langster moved to re-open the House Committees and Subcommittees that have been closed and extend the deadlines for those still open, which motion was immediately withdrawn.

REGULAR CALENDAR, CONTINUED

House Bill No. 923 -- Sunset Laws - Terminates Caney Fork development corporation. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Kernell, *Brooks, *Cooper B. (*SB62 by *Harper)

On motion, House Bill No. 923 was made to conform with **Senate Bill No. 62**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 62** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

Representatives voting no were: Rhinehart -- 1.

A motion to reconsider was tabled.

House Bill No. 962 -- Sunset Laws - Tennessee tollway authority, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 54, Chapter 15. by *Kernell, *Brooks, *Cooper B. (*SB68 by *Harper)

On motion, House Bill No. 962 was made to conform with **Senate Bill No. 68**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 68 be passed on third and final consideration.

Rep. Brooks moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 68 By deleting Section 2 in its entirety and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 54, Chapter 15, is amended by deleting such chapter in its entirety.

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 68**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	5
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood -- 88.

Representatives voting no were: Clem, Dunn, Hagood, Montgomery, Rhinehart -- 5.

Representatives present and not voting were: Bunch, Westmoreland -- 2.

A motion to reconsider was tabled.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

***House Bill No. 143** -- Estates - Allows publication of accounting if addresses of heirs or distributees of other interested persons are unknown; specifies, for purposes of computing surviving spouse's elective share, that if parties married, then divorced and remarried, total years of marriage would be considered even though years not consecutive; reverses priority of claims against estate so that reasonable funeral expenses are second priority, instead of third, and taxes are third priority instead of second. Amends TCA Title 30 and Title 31. by *Scroggs. (SB1428 by *Person)

Rep. Scroggs moved that **House Bill No. 143** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Garrett, Ridgeway -- 2.

A motion to reconsider was tabled.

***House Bill No. 1393** -- Disabled Persons - Redesignates council for hearing impaired as council for deaf and hard of hearing; establishes rehabilitation centers to take place of vocational training centers for developmentally disabled persons. Amends Titles 4, 24, 49, 62 and 71. by *Hagood, *Ford S. (SB1670 by *Crowe, *Atchley)

Rep. Hagood moved that House Bill No. 1393 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1393 by adding the following sentence at the end of subdivision (d)(4) of SECTION 6 of the printed bill:

MONDAY, APRIL 16, 2001 – TWENTY-EGHTH LEGISLATIVE DAY

When appointing members to the advisory board pursuant to this subsection, the department shall, to the extent possible, appoint the board's members to ensure appropriate representation on the board based upon gender and ethnicity.

AND FURTHER AMEND by deleting SECTION 7 of the printed bill in its entirety and by substituting instead the following:

SECTION 7. Tennessee Code Annotated, Section 49-11-704, is amended by deleting subsections (a), (b) and (d) in their entirety and by substituting instead the following:

(a) In order to coordinate the activities of the rehabilitation centers and to advise the commissioner and to better acquaint the public with the needs and activities of the program, the commissioner is authorized to create a statewide advisory board for the rehabilitation centers, to be composed of fifteen (15) members, as follows:

(1) There shall be one (1) ex officio member from each of the following departments and agencies of state government:

(A) The department of mental health and developmental disabilities;

(B) The department of labor and workforce development;

(C) The department of human services;

(D) The division of vocational rehabilitation of the department of human services;

(E) The department of education; and

(F) The Tennessee committee on employment of persons with disabilities.

(2) The remaining nine (9) members shall be appointed by the commissioner of the department of human services from among private organizations and agencies concerned with persons with disabilities, to serve for staggered terms of four (4) years each. In appointing the nine (9) remaining members to the board, to the extent possible, the assistant commissioner shall appoint the board's members to ensure appropriate representation on the board based upon gender and ethnicity.

(b) It is the duty of the advisory board to consider and advise the commissioner and the division on broad problems and policies, to review periodically the progress of the rehabilitation center program, and to help maintain coordination between the program and the related programs of the organizations and agencies represented on the board.

(d) The commissioner, through the division, shall, with the advice and assistance of the advisory board, set and enforce standards for the operation of the rehabilitation centers, assist communities in organizing local rehabilitation centers, develop and administer contractual arrangements between the centers and the division, secure contract work for the various rehabilitation centers from industry on a local, statewide and national basis, in order to provide the type of work experience most needed by the clients and still provide income to the rehabilitation centers sufficient to adequately remunerate the clients.

AND FURTHER AMEND by adding the following sentence at the end of the amendatory language for subsection (a) in SECTION 10 of the printed bill:

The vocational rehabilitation division shall comply with all requirements of Title VI of the Civil Rights Act of 1964 in the award and administration, pursuant to this subsection, of any contracts for services to clients of the division or in the provision of contract work for the division's clients.

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1393 By deleting the language "Section 24-1-103(e)" in Section 3 and by substituting instead the language "Section 24-1-211(e)".

On motion, Health and Human Resources Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Hagood moved that **House Bill No. 1393**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	65
Noes	22
Present and not voting	8

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Caldwell, Clem, Curtiss, Davis (Washington), Davis (Cocke), Dunn, Ford, Fowlkes, Fraley, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Langster, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tindell, Turner (Hamilton), Turner (Davidson), Vincent, Walker, Westmoreland, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 65.

MONDAY, APRIL 16, 2001 – TWENTY-EGHTH LEGISLATIVE DAY

Representatives voting no were: Bowers, Brooks, Brown, Cole (Carter), Cole (Dyer), Cooper, Davidson, DeBerry L. Ferguson, Garrett, Givens, Jones U, Kent, Maddox, Rhinehart, Ridgeway, Shaw, Tidwell, Towns, Turner (Shelby), West, White -- 22.

Representatives present and not voting were: Armstrong, Briley, Chumney, Kernell, Kisber, Lewis, Pruitt, Williams -- 8.

A motion to reconsider was tabled.

***House Bill No. 212** -- Barbers - Revises certain provisions for barbers. Amends TCA Title 62, Chapter 3, Part 1. by *Ford S. (SB508 by *Haun)

On motion, House Bill No. 212 was made to conform with **Senate Bill No. 508**; the Senate Bill was substituted for the House Bill.

Rep. Ford moved that Senate Bill No. 508 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Ford moved that **Senate Bill No. 508** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Garrett -- 1.

A motion to reconsider was tabled.

***House Bill No. 518** -- Wildlife Resources Commission - Prevents illegal hunting or possession of wild elk. by *Bittle, *Boyer. (SB1189 by *Clabough)

On motion, House Bill No. 518 was made to conform with **Senate Bill No. 1189**; the Senate Bill was substituted for the House Bill.

Rep. Bittle moved that Senate Bill No. 1189 be passed on third and final consideration.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

On motion, Rep. Garrett withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Bittle moved that **Senate Bill No. 1189** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Caldwell -- 1.

A motion to reconsider was tabled.

***Senate Bill No. 304** -- Education - Adds vision screening to requirements for admission to public school, nursery school, kindergarten, preschool and child care; encourages parents to also obtain child's vision screening within six months of third grade. Amends TCA Title 49, Chapter 6, Part 50. by *Dixon, *Crowe, *Herron, *Burks. (HB704 by *Cooper B, *Towns, *Jones U (Shelby), *Armstrong, *DeBerry L, *Shaw, *Turner (Shelby), *Bowers, *Brooks, *Chumney, *Garrett, *Pruitt, *Jones, S., *Miller L, *McDonald, *Langster, *Patton, *Turner (Hamilton))

Further consideration of Senate Bill No. 304 previously considered on today's Calendar.

Rep. Cooper moved that Senate Bill No. 304, as amended, be passed on third and final consideration.

Rep. Cooper moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Cooper moved that **Senate Bill No. 304**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes	12
Present and not voting	3

MONDAY, APRIL 16, 2001 – TWENTY-EGHTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bone, Bowers, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargrove, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McKee, McMillan, Miller, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Scroggs, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Baird, Black, Boyer, Clem, Davis (Washington), Davis (Cocke), Dunn, Hargett, McDaniel, Montgomery, Sharp, Vincent -- 12.

Representatives present and not voting were: Bunch, Hagood, Harwell -- 3.

A motion to reconsider was tabled.

***House Bill No. 1407** -- Traffic Safety - Changes procedure for revocation of driver licenses for certain offenses; creates four Class C misdemeanor offenses regarding commercial vehicles and railroad crossings. - TCA Title 55, Chapters 10, 12 and 50. by *Stanley, *McDaniel. (SB1685 by *Haun, *Atchley)

On motion, House Bill No. 1407 was made to conform with **Senate Bill No. 1685**; the Senate Bill was substituted for the House Bill.

Rep. Stanley moved that Senate Bill No. 1685 be passed on third and final consideration.

On motion, Rep. Ridgeway withdrew Transportation Committee Amendment No. 1.

Rep. Stanley moved that **Senate Bill No. 1685** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. West moved that the House reconsider its action in passing Senate Bill No. 1685, which motion was immediately withdrawn.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1381** -- General Services, Dept. of - Clarifies department's authority to assess civil penalties for traffic or parking violations upon state employee parking lots on and around Capitol Hill. Amends TCA Sections 4-3-1105 and 4-8-203. by *Vincent, *Ford S. (SB1658 by *Miller J, *Clabough)

On motion, House Bill No. 1381 was made to conform with **Senate Bill No. 1658**; the Senate Bill was substituted for the House Bill.

Rep. Vincent moved that Senate Bill No. 1658 be passed on third and final consideration.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Vincent moved that **Senate Bill No. 1658** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	3
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Brooks, Clem, Jones S -- 3.

Representatives present and not voting were: Cooper -- 1.

A motion to reconsider was tabled.

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

House Bill No. 1270 -- Public Utilities - Renames "universal service support mechanism" to "universal service program"; creates universal service program support mechanism fund as special reserve account in general fund. Amends TCA Section 65-5-207. by *Kisber. (*SB1460 by *Rochelle)

On motion, House Bill No. 1270 was made to conform with **Senate Bill No. 1460**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 1460 be reset for the Regular Calendar on April 23, 2001, which motion prevailed.

House Bill No. 617 -- Highway Signs - Designates entrance into Cumberland River Watershed on I-24, I-40, I-65, and US 70. by *Kisber. (*SB24 by *Henry)

On motion, House Bill No. 617 was made to conform with **Senate Bill No. 24**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 24 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 24 By adding the following language as a new, appropriately designated Section 4 and by redesignating the existing Section 4 and subsequent section accordingly:

SECTION 4. This act shall become operative only if the Cumberland River Compact remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act. The Cumberland River Compact shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to the Cumberland River Compact within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, the Cumberland River Compact shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **Senate Bill No. 24**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	1

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Sands -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

MOTION TO RESET BILLS

On motion of Rep. Davidson and seconded by Rep. McDaniel, all bills set for a Calendar on Wednesday, April 18, 2001, were moved to the Calendars on Thursday, April 19, 2001.

RULES SUSPENDED

Rep. Wood moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 240 out of order, which motion prevailed.

House Joint Resolution No. 240 -- Memorials, Recognition - Reverend Edmond Stallings, Ooltewah Church of God. by *Wood, *Vincent, *Sharp, *Clem.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Wood, the resolution was adopted.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Fraley, **House Bill No. 207** was recalled from the Transportation Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 474: Rep(s). Overbey as prime sponsor(s).

House Bill No. 481: Rep(s). Beavers as first prime sponsor(s).

ENGROSSED BILLS

April 16, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 143, 367, 470, 553, 723, 746, 907, 986, 1393, 1703, 1826, also, House Joint Resolution(s) No(s). 28, 230, 231, 232, 233, 234, 235, 236 and 240.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 484; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

April 16, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1680.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1680; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1815; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 63; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 465, 1206 and 1634; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 464; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 137.

The Senate nonconcurred in House Amendment(s) No(s). 4.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 524, 582, 1095, 1321, 1326, 1358, 1415, 1473, 1600, 1627, 1763, 1813 and 1841; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 524** -- Boards and Commissions - Gives board of osteopathic examiners authority to set by rule number and type of continuing education hours necessary to renew license as osteopathic physician instead of setting hours in law at 16 clock hours of formal postgraduate education in program, internship, or residency approved by board. Amends TCA Section 63-9-107. by *Crowe, *Dixon. (HB1333 by *Armstrong)

MONDAY, APRIL 16, 2001 – TWENTY-EIGHTH LEGISLATIVE DAY

***Senate Bill No. 582** -- General Assembly, Studies - Extends special committee to study issues relating to natural gas distribution and deregulation of natural gas in Tennessee from February 1, 2001, until February 1, 2003. Amends TCA Section 7-82-301 and Title 65, by *Haynes, *Burks. (HB1287 by *Armstrong, *Curtiss, *Fitzhugh, *Cole (Carter), *McDaniel, *Tindell)

Senate Bill No. 1095 -- Highway Signs - "Lynn McCarthy Ross Memorial Highway," segment of I-40 in Madison County, by *Carter. (*HB747 by *Langster, *Kisber, *Jones U (Shelby), *Pruitt, *Head, *Rinks, *DeBerry J, *DeBerry L, *Armstrong, *Jones, S.)

***Senate Bill No. 1321** -- Professions and Occupations - Revises composition of board of psychology and adds senior psychological examiner and certified psychological assistant as levels of psychological practice. Amends TCA Title 63, by *Graves, *Henry, *Fowler. (HB1331 by *Armstrong, *McDonald, *Lewis, *DeBerry J, *Jones, S., *Hargett, *Davis (Washington), *Patton, *Briley, *Arriola, *Ferguson, *Overbey, *Shepard, *Odom, *Bittle)

Senate Bill No. 1326 -- Civil Service - Deletes language in section allowing appointing authority to fill vacancy without submitting certain information to commissioner of personnel. Amends TCA Title 8, by *Henry. (*HB635 by *Kisber)

***Senate Bill No. 1358** -- Highway Signs - Williamson County Agriculture Center, I-65 at S.R. 96 in Williamson County, by *Haynes. (HB847 by *Williams (Williamson))

***Senate Bill No. 1415** -- Motor Vehicles - Requires venue for any action, arbitration, or mediation between parties or manufacturer and motor vehicle dealer to be state of Tennessee; venue to contrary cannot be waived by contract or other agreement. Amends TCA Title 55, Chapter 17, by *Person. (HB1204 by *Buck)

***Senate Bill No. 1473** -- Public Records - Excludes computer codes and computer access information from definition of public records. Amends TCA Section 10-7-504, by *Henry, *Burks. (HB867 by *Kisber)

***Senate Bill No. 1600** -- Garnishments and Executions - Clarifies exemption of Roth IRAs from attachment, execution, or garnishment. Amends TCA Title 26, Chapter 2, Part 1, by *Atchley. (HB1456 by *Kisber)

Senate Bill No. 1627 -- Alcoholic Offenses - Specifies that beer and malt beverages are included under prohibition against selling, furnishing, disposing of or giving alcohol to minors. Amends TCA § 57-4-203, by *Burchett, *Burks. (*HB1350 by *Kent)

Senate Bill No. 1763 -- Utilities, Utility Districts - Creates Bledsoe County Regional Water Authority, by *Elsa. (HB1798 by *Rhinehart)

***Senate Bill No. 1813** -- Transportation, Dept. of - Urges department to complete advanced planning report and begin environmental studies on widening US 70 from Waverly to Dickson, by *Jackson. (HB1701 by *Tidwell)

***Senate Bill No. 1841** -- Tennessee Emergency Management Agency (TEMA) - Permits political subdivisions to enter into certain agreements among themselves relative to losses and liabilities in emergency situations. Amends TCA Title 58, Chapter 2, by *McNally. (HB1891 by *Head)

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Bultry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, April 19, 2001.